

NPDES Permit No. ILA01  
Notice No. WH\CAFOGeneral-2020.doc

Public Notice Beginning Date: **May 4, 2020**

Public Notice Ending Date: **July 3, 2020**

National Pollutant Discharge Elimination System (NPDES)  
Permit Program

PUBLIC NOTICE/FACT SHEET  
of  
General NPDES Permit for Concentrated Animal Feeding Operations to Discharge into Waters of the US

Coverage under this permit  
This permit covers all areas of the State discharging  
to General Use Waters.

Eligibility  
This permit may cover existing and proposed livestock management facilities  
or livestock waste-handling facilities which currently have an  
existing NPDES Permit or are required to have an NPDES Permit.

Public Notice/Fact Sheet Issued By:

Illinois EPA  
Bureau of Water  
Permit Section  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-0610

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to reissue this general NPDES permit to prohibit discharge of livestock wastes into the waters of the US. The proposed general NPDES permit covers all livestock management facilities and livestock waste handling facilities that meet the definitions of concentrated animal feeding operations (CAFOs) defined in Subtitle E of 35 Ill. Adm. Code and have caused or allowed a discharge or will cause or allow a discharge from their animal feeding operation; all livestock management facilities and livestock waste handling facilities that caused or allowed, or will cause or allow, the discharge of contaminants into waters of the US from application of livestock waste to pasture or other agricultural land and thereby; all livestock management facilities and livestock waste handling facilities designated to have a permit by written notification from the Illinois Environmental Protection Agency in accordance with Section 502.106 of 35 Ill. Adm. Code; and all livestock management facilities or livestock waste handling facilities subject to the NPDES permitting requirements of 40 CFR 122.23.

The Illinois Pollution Control Board has adopted regulations at 35 Ill. Adm. Code Parts 501 and 502 for livestock management facilities and livestock waste handling facilities, which became effective on August 11, 2014. The re-issuance of the proposed NPDES general permit will not change the category of facilities required to have an NPDES permit. For a facility to receive coverage under this NPDES general permit an owner or operator of a livestock management facility or livestock waste-handling facility must submit an application for permit to the Agency for review and for approval of coverage under the general permit. Prior to coverage of a livestock management facility or a livestock waste handling facility under the general permit, a 30 day public notification period will be provided.

Length of Permit: Approximately 5 Years

Classification of Receiving Waters: General Use

The discharge limitations and special conditions are appended as a part of the draft permit.

Except as otherwise noted, the discharge limitations and other conditions of the permit were based on the discharge and water quality limitations and other requirements specified in the Illinois Pollution Control Board (IPCB) Regulations, 35 Ill. Adm. Code Subtitle C: Water Pollution and/or Subtitle E: Agriculture Related Pollution and/or 40 CFR 412 and 40 CFR 122. Discharges covered by this general permit from livestock management facilities and livestock waste handling facilities are only allowed as the result of overflows from a livestock waste storage facility caused by a catastrophic precipitation event. These infrequent discharges, caused by a 24-hour precipitation amount expected to occur or be exceeded only once every twenty five years, must not cause a violation of water quality standards. The land application of livestock waste is required to be conducted in a manner such that the livestock waste is assimilated into the land therefore excluding discharge of livestock waste to waters of the US.

Monitoring frequency and reporting requirements were established by using the authority set forth in 35 Ill. Adm. Code Subtitle C: Water Pollution and/or Subtitle E: Agriculture Related Pollution and/or Section 402 of the Clean Water Act (P.L. 95-217).

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice/Fact Sheet. The last day comments will be received will be on the Public Notice period ending date. Interested persons are invited to submit written comments on the draft permit to the IEPA at the above address. Commentors shall provide his or her name and address, the issues proposed to be raised on the draft permit and the supporting evidence with regards to those issues. Commentors may include a request for public hearing. The NPDES permit and notice number(s) must appear on each comment page.

The Public Notice/Fact Sheet, draft permit, comments received, and other documents are available for inspection during comment period and may be copied at the IEPA between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person. The same information may also be accessed, inspected, and duplicated by submitting a request pursuant to the Illinois Freedom of Information Act (FOIA).

If there exists a significant degree of public interest in the draft permit, the Agency may, at its discretion, hold a public hearing. Public notice will be given 45 days before any public hearing. For further information, please call Wei Han at 217/782-0610.

Proposed substantive modifications to the draft permit from the existing general permit ILA01 are listed below:

1. Included permit coverage to those facilities under 35 Ill. Adm. Code Part 502 Subparts F, G and H except the facilities subject to 35 Ill. Adm. Code 502.730.
2. Required by Special Condition 1 (e) submittal of any changes made to type and number of animals, size of production area, acres of land application area, amount of livestock waste generated and transferred each year etc., for existing permittee at the time of permit renewals.
3. Added livestock waste storage requirements to Special Condition 3 (m), which include waste, wash down liquid, and runoff generated and directed to storage structure during a 180-day period, runoff from 25-year 24-hour event directed to storage structure, volatile solid loading volume, sludge accumulation, 2-foot free board if not protected from precipitation.
4. Added Special Condition 3 (n) that the permittee must always properly operate and maintain all structural and operational aspects of the facilities, including all systems for livestock waste treatment, storage, management, monitoring and testing.
5. Added Special Condition 3 (o) that the permittee must perform periodic removal of livestock waste solids from liquid manure storage areas and containment areas to maintain proper operation of the storage structures.
6. Removed 18-month period for implementation of measures from Special Condition 3 (p) if permittee is notified by Agency that TMDL allocations are not met. The time to implement TMDL measures will be required by the Agency on an individual basis or as specified by the approved TMDL.
7. Clarified requirements of Special Condition 3 (q) for livestock waste land application, including individual field assessment, nitrogen- or phosphorus-based application, soil loss calculation, field and weather conditions, setbacks, winter application, etc.
8. Clarified requirements of Special Condition 4 for linear and narrative approaches in determination of livestock waste land application rate. Calculations showing volume of livestock waste to be disposed annually, livestock waste application rate, and land area required for application must be included in the nutrient management plan.
9. Increased soil testing frequency for each application land to a minimum of twice every five years in Special Condition 4 (f)(i).
10. Modified Special Condition 7 to elucidate monitoring and inspection requirements. Recordkeeping and reporting requirements are separated from Special Condition 7.
11. Added Special Condition 8 to clarify recordkeeping requirements.

12. Added Special Condition 9 to clarify annual reporting requirements.
13. Added definitions to Special Condition 17: Animal Confinement Area, Erosion Factor T, Frozen Ground, Incorporation, Injection, Land Application Area, Production Area, Raw Materials Storage Area, Surface Land Application, Temporary Manure Stack, Vegetative Fence Row, and Waste Containment Area.
14. Removed definitions from Special Condition 17: Agriculture Stormwater Discharge, Stormwater associated with a CAFO subjected to 40 CFR 412.

#### **Antidegradation Assessment for Concentrated Animal Feeding Operations General Permit**

This general permit prohibits discharges of livestock wastes to waters of the US except overflow from livestock waste handling facilities that is caused by catastrophic precipitation events (i.e., the 25-year, 24 hour precipitation event), and storm water discharges from areas outside the production area that are in compliance with a stormwater pollution prevention plan developed pursuant to the Special Condition (6) of this permit. Under no circumstances are the discharges allowed to cause a water quality violation. The general permit also mandates certain practices regarding the field application of livestock wastes to minimize the discharge of livestock wastes to waters of the US. These provisions cover odor control, avoidance of conditions that would exceed the capacity of the land to assimilate livestock wastes, setback of application distance from surface waters, and temporary storage of livestock wastes.

#### **Identification and Characterization of the Affected Water Body**

This general permit does not cover a CAFO discharging to a water body that is a biologically significant stream pursuant to 35 Ill. Adm. Code 302.105(D)(6). If the receiving water body is a biologically significant stream, an individual permit will be required in lieu of the general permit.

#### **Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses**

Phosphorus, ammonia, biochemical oxygen demand, and bacteria are pollutants that would be increased should a discharge occur at a CAFO. Discharging from CAFOs complying with the conditions of this general permit are not anticipated to cause exceedances of water quality standards. Compliance with the conditions of this general permit likewise would not be anticipated to cause any impact on the uses of affected water bodies.

#### **Fate and Effect of Parameters Proposed for Increased Loading**

Livestock wastes are expected to be collected, stored and then applied to fields at rates that would allow agronomic uptake of the nutrients contained in the wastes. The controlled rates of application must also allow the wastes to be assimilated into the land and thereby prevent the wastes from entering waters of the US. The only time that the permit allows discharge into waters of the US from within the livestock facility would be during extremely heavy rainfall events, i.e., a catastrophic discharge defined as resulting from overflow during a 25-year, 24-hour or larger precipitation event. Because the watershed will be saturated with water during these events, including very high water levels in streams, a dilution effect will always be present during the discharge of the wastes or the runoff from fields that have had wastes applied. These conditions assure that waters are protected from the deleterious effects of the livestock wastes. When such permitted discharge does occur, water quality standards in receiving waters must not be exceeded. There must be no discharges except during the above precipitation event.

#### **Purpose and Anticipated Benefits of the Proposed Activity**

An adequate supply of healthy livestock is essential to the well-being of Illinois citizens and the nation. Animal feeding operations provide the daily source of meat, milk and eggs.

#### **Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation**

The provisions of the general permit were determined through consideration of the economic realities of livestock production and the best management practices available to operators from state and federal sources. In this case, a 25 year, 24 hour recurrent storm event was the key design factor. 35 Ill. Adm. Code Subtitle E dictates that livestock operators must design facilities to prevent discharges from lesser storms. These regulations were developed under the premise that the costs of containing all wastes during greater storms were economically impractical. The requirements dictated by the permit were determined after consideration of many factors, which have options and alternatives. The final result was a general permit that protects water quality yet contains reasonable and attainable provisions that must be followed by the operator of a CAFO.

**Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities**

The Illinois Department of Natural Resources and other interested state agencies, regional or local governmental bodies or other interested parties may comment on the proposed general permit during the public notice period. The Illinois Department of Agriculture was consulted extensively during the development of the original permit and has been advised of a draft of the current renewal of the general permit.

**Agency Conclusion**

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the draft general permit was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving stream will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by providing for the regulation of CAFOs thereby reducing water pollution from these sources. Comments received during the NPDES permit public notice period will be evaluated before a final decision is made by the Agency.

### Public Notice of Draft Permit

Public Notice Number WH\CAFOGeneral-2020.doc is hereby given by Illinois EPA, Division of Water Pollution Control, Permit Section, 1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276 (herein Agency) that a draft general National Pollutant Discharge Elimination System (NPDES) Permit Number ILA01 has been prepared under 40 CFR 124.6(d) for discharge into the Waters of the United States, from Concentrated Animal Feeding Operations (CAFOs) in the state of Illinois. The applicants are engaged in animal feeding operations.

The draft permit and other documents are available for inspection and may be copied at the Agency between 9:30 A.M. and 3:30 P.M. Monday through Friday. The draft permit and fact sheet are also available on the Agency's website at <https://www2.illinois.gov/epa/public-notices/Pages/default.aspx>. For further information, call the Public Notice Clerk at 217/782-0610.

Interested persons are invited to submit written comments on the draft permit to the Agency at the above address. The NPDES Permit and Joint Public Notice numbers must appear on each comment page. All comments received by the Agency not later than **60** days from the date of this publication shall be considered in making the final decision regarding permit issuance.

Any interested person may submit written request for a public hearing on the draft permit, stating their name and address, the nature of the issues proposed to be raised and the evidence proposed to be presented with regards to these issues in the hearing. Such requests must be received by the Agency not later than **60** days from the date of this publication.

If written comments and/or requests indicate a significant degree of public interest in the draft permit, the permitting authority may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing.